(Spl. - H.C.A.S. C.D., 78-e)

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF BOMBAY AT GOA

PANAJI – GOA

APPELLATE SIDE

SECOND APPEAL NO. 121/2005
AND
SECOND APPEAL NO. 122/2005

Office Notes, Office Memoranda of Quorum appearances, Court's orders, or directions and Registrar's orders.	Court's or Judge's Orders.

Shri J.P. Mulgaonkar, Advocate for the appellants.

Shri Amrut Kansar, Advocate for the respondents.

CORAM : R.M.S. KHANDEPARKAR, J.

D ATE : 17TH FEBRUARY, 2006.

P.C.

Since common questions of law and facts arise in both these matters, they were heard together.

Undisputedly, both the Courts below have arrived at concurrent findings about the possession of the property in favour of the respondents. The finding regarding possession is

essentially finding of fact and there is no scope for interference by this Court in exercise of powers under Section 100 of the Code of Civil Procedure.

2. The learned Advocate for the appellants, however, is justified in contending that the various observations made regarding title to the suit property which were made while deciding the issues in disposal of the suit for injunction simpliciter. Therefore, needless to say that those observations which have been made in deciding the issues, would not come in the way of the appellants in other proceedings and the Court dealing in such proceedings should not get influenced by those findings. With these observations, as no substantial questions of law arise in these appeals, they are rejected.

R.M.S. KHANDEPARKAR, J.

ssm.